

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHAREYA RITA MARY DENNY,

Defendant.

CR-11-27-GF-BMM-01

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on September 2, 2015. (Doc. 59). Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on November 18, 2015. (Doc. 56.) Denny admitted that she violated the conditions of her supervised release.

Judge Johnston recommends this Court revoke Denny's supervised release and that the Court sentence Denny to six (6) months imprisonment followed by eighteen (18) months of supervised release and should be subject to the previously imposed conditions. *Id.*

Denny's criminal history category is I, the current violation is a Grade C violation, and the underlying offense is a Class C felony. Denny could be incarcerated for up to 24 months, and she could be ordered to remain on supervised release for 36 months, less any custody time imposed. The United States Sentencing Guidelines call for three to nine months in custody. The parties jointly recommended a sentence of six months in custody followed by 18 months of supervised release.

This Court finds no clear error in Judge Johnston's Findings and Recommendations. There are no mitigating circumstances justifying a variance from the guideline. A sentence of six (6) months imprisonment followed by eighteen (18) months of supervised release to follow is sufficient, but not greater than necessary.

IT IS HEREBY ORDERED that Judge Johnston's Findings and Recommendations (Doc. 59) is ADOPTED IN FULL. **IT IS FURTHER ORDERED** that Defendant Christopher Ladue shall be sentenced to **six (6) months imprisonment** followed by **eighteen (18) months of supervised release**.

DATED this 7th day of December, 2015.



Brian Morris
United States District Court Judge